

REMARKS

Favorable reconsideration of this application in light of the preceding amendments and the following remarks is respectfully requested.

No claims having been canceled or added, the Applicants respectfully submit that claims 1-14 remain properly under consideration in this application with claims 1, 6 and 8 being presented in independent form.

Support for the amendments to claim 1 reflected above may be found in at least the Specification at page 7, line 30 to page 8, line 14, and FIG. 3.

The Applicants note with appreciation the Examiner's acknowledgement that the drawings filed with this application have been accepted by the Examiner. Action Summary at 10.

Rejections Under 35 U.S.C. § 112

Claim 7 stands objected to for the language "wherein the like resource" which allegedly fails to define the scope of the elements encompassed by the claim with sufficient specificity. Action at 2. Claim 5 also stands rejected as lacking proper antecedent basis for the limitation "wherein at least two predefined sequences." The Applicants respectfully submit that the amendments to the claims reflected above are sufficient to address and overcome these rejections.

The Applicants respectfully request, therefore, that these rejections be reconsidered and withdrawn accordingly.

Rejections under 35 U.S.C. § 103

Claims 1-4 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki's U.S. Patent No. 6,289,096 B1 ("Suzuki") in view of Callon's U.S. Patent No. 6,256,295 B1 ("Callon"). Action at 3-4. The Applicants respectfully traverse this rejection for the reasons detailed below.

Suzuki's teaching, specifically as revealed in FIGS. 3 and 5 (reproduced below), is identified as teaching receiving a connection request and assigning a link resource for connecting the node to a neighboring node. The Applicants note that the "link resource"

FIG. 3

CONNECTION MANAGER

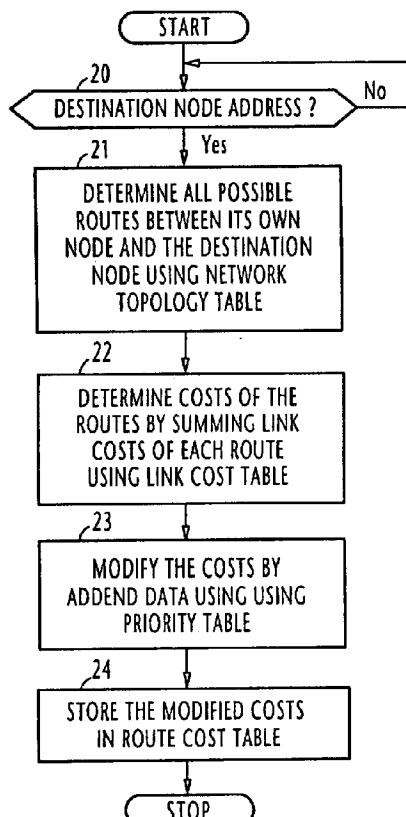
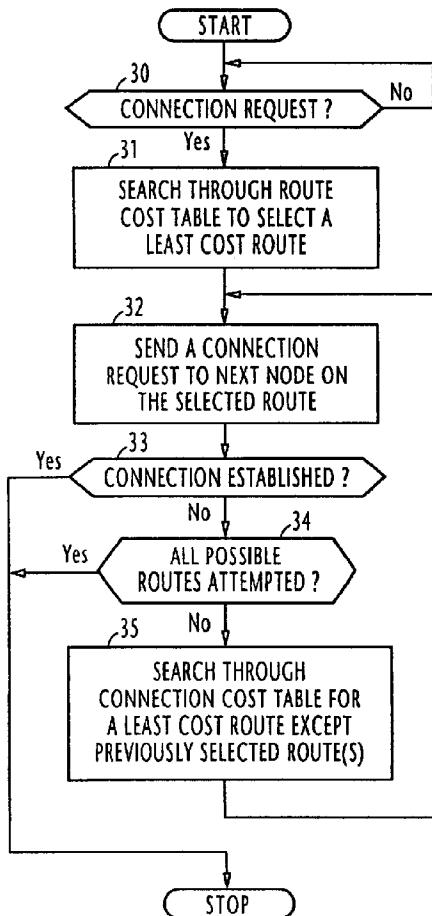


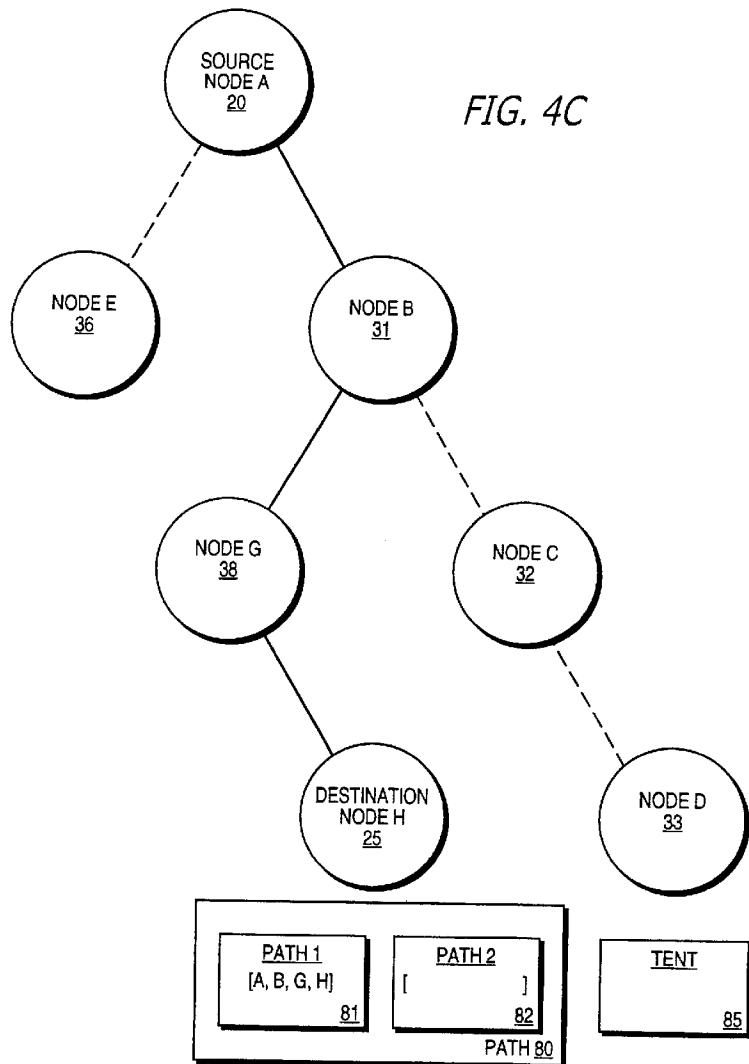
FIG. 5

CONNECTION CONTROLLER



identified by Suzuki is “link cost,” specifically, the cost associated with utilizing a particular multi-node route between a source node and a destination node. The Applicants contend, however, that the “link cost” between the two “neighboring nodes” as recited in claim 1, or the “adjacent nodes” as recited in claims 6 and 8, will be a single value (reflecting the single route available between the two nodes) and will not, and indeed cannot, provide any basis for “selecting” among a plurality of link resources. Accordingly, the Applicants maintain that Suzuki does not teach or suggest to one of ordinary skill in the art the function of the claimed methods and apparatus of assigning link resources in a manner that avoids contention between signals passing between two such situated nodes.

Turning to the secondary reference, the Applicants contend that Callon discloses a method for determining a plurality of non-overlapping or “minimally” overlapping paths between a source node and a destination node. Callon, col. 1, line 53 to col. 2, line 6 and FIGS. 4A – 4C (FIG. 4C reproduced below showing the multi-node path [A,B,G,H] resulting from the node selections illustrated in FIGS. 4A and 4B). The Applicants contend that nothing has yet been identified in Callon’s disclosure that would suggest that “a negotiation with the ***neighboring node*** prior to receipt of the request,” claim 1 (emphasis added), identifies any “***link resource***” between the ***two adjacent nodes*** participating in the negotiation that could later be used for providing non-conflicting communication between the two nodes. Accordingly, the Applicants maintain that Callon does not remedy the deficiencies of the primary reference and further that the proposed combination is not sufficient to teach the inventions as recited in the pending claims.



Further, the Applicants maintain that one of ordinary skill in the art would understand that both Suzuki and Callon are directed to methods of *selecting the next node in a multi-node path* rather than selecting from among a plurality of “link resources” associated with transmissions *between two adjacent nodes*. The Applicants submit, therefore, that the applied references, whether considered singly or in combination, cannot fairly be said to teach or suggest the methods and apparatus as recited in independent claims 1, 6 and 8. As each of the remaining claims depend either

directly or indirectly from one of these independent claims, the Applicants contend that each of the dependent claims is equally allowable over the applied references.

The Applicants respectfully request, therefore, that this rejection be reconsidered and withdrawn accordingly.

With respect to the Examiner's contention regarding the "to avoid contention associated with the request," Action at 4, the Applicants submit that the amendments to claim 1 as reflected above are sufficient to further clarify the assignment of the link resources in a manner that avoids "contention," *e.g.*, the use of a single wavelength by more than one of the transmitters associated with a node.

Allowable Subject Matter

The Applicants note with appreciation the Examiner's indication that claim 5 would be allowable if rewritten in independent form incorporating limitations of all included claims and amended to overcome the rejection under 35 U.S.C. § 112. For the reasons detailed above, however, the Applicants respectfully contend that the base claims are also allowable over the applied references and, consequently, the dependent claim 5 need not be rewritten in independent form.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Although no fees are believed to be due with this filing, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 503777, including, in particular, extension of time fees.

Respectfully submitted,

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